

1956

June 25

Mr. Ralph U. Carpenter, 2nd  
Fish and Game Department  
34 Bridge Street  
Concord, New Hampshire

SEP 22 1998

CONFIDENTIAL

Dear Mr. Carpenter:

You have requested my advice as to whether the provisions of RSA 211:3 as inserted by section 4 of chapter 277, Laws of 1955, is subject to change by regulations made by the Director of Fish and Game. It is my opinion that the subject matter of the statute referred to may not be changed by regulation issued from your office.

While it is recognized that you have the power to make rules and regulations governing the method and manner of taking fish, RSA 206:10, the Legislature, by the said chapter 277, specifically provided that the upper Connecticut River between Murphy dam and the highway bridge between Stratford and Maidstone shall be closed to all fishing except bait and fly fishing.

This office has previously ruled by letter dated October 27, 1955, that the 1955 amendment removed the prohibition against the use of spinning equipment in this part of the Connecticut River. Therefore spin fishing is permissible and you may not change the specific directive of the Legislature by regulation.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB Jr/T